



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,164	03/05/2002	Serge Caron	9680.197US01	9227

23552 7590 09/24/2003

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

PALMER, PHAN T H

ART UNIT PAPER NUMBER

2874

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/092,164	Applicant(s) CARON ET AL.	
	Examiner PHAN T.H. PALMER	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 and 18-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 10-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election with traverse of Group I, claims 1-5, and 10-17, in Paper filed on August 22, 2003, is acknowledged. The traversal is on the ground(s) that the claims are all related to one invention and can be searched and examined together. This is not found persuasive because Group I discloses an optical waveguide made of porous glass; while Group II discloses an optical waveguide apparatus comprising an optical waveguide made of porous glass and at least one pair of electrodes; and Group III discloses a method for making an optical waveguide made of porous glass comprising steps of: providing an optical waveguide made of borosilicate; chemically attacking the waveguide in order to leave a skeleton...; and impregnating the bore with the material. These three Groups can not be searched and examined together.

The requirement is still deemed proper and is therefore made FINAL.

2. Applicant's cooperation is requested in correcting any error of which applicant may become aware in the specification.

Information Disclosure Statement

3. The information disclosure statement submitted on 07/02/2002, and 12/09/2002, have been considered by the examiner and made of record. See attached form PTO-1449.

Drawings

4. This application has been filed with formal drawings.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Sigel, Jr. et al. (5,250,095).

The Sigel, Jr. et al. reference discloses a method for making a porous glass optical fiber sensor. The sensor includes a glass optical fiber for conveying light. It is inherently disclosed an optical waveguide made of porous glass, wherein at least a portion of the pores of the porous glass are filled with a material which affects the propagation of light within the waveguide.

With regard to claim 1, the Sigel, Jr. et al. reference discloses all the claimed invention.

With regard to claim 5, the optical waveguide is an optical fiber is disclosed in the Sigel, Jr. et al. Reference.

With regard to claim 16, and 17, the waveguide is monomode or multimode, is disclosed in the Sigel, Jr. et al. Reference.

Allowable Subject Matter

6. Claims 2-4, and 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Sigel, Jr. et al. reference does not disclose the material which affects the propagation of light is a material which exhibits optical activity, or a Faraday effect, as discloses in claim 2.

The Sigel, Jr. et al. reference does not disclose the material is an electro-optical material, as discloses in claims 3 and 4.

The Sigel, Jr. et al. Reference, also does not disclose the limitations of claims 10-15.

CONTACT INFORMATION

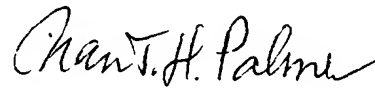
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHAN T.H. PALMER whose telephone number is 703-308-4848. The examiner can normally be reached on 4/4 OFF MONDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RODNEY B. BOVERNICK can be reached on 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2874

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0956.

PTHP
09/20/2003

A handwritten signature in black ink, reading "Phan T. H. Palmer". The signature is written in a cursive, flowing style.

PHAN T. H. PALMER
PRIMARY EXAMINER